

Calendar No. 128

82D CONGRESS
1st Session

SENATE

REPORT
No. 135

ALICE DE BONY DE LAVERGNE

FEBRUARY 26 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 463]

The Committee on the Judiciary, to which was referred the bill (S. 463) for the relief of Alice de Bony de Lavergne, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the provisions of the first and ninth categories of section 3 of the Immigration Act of 1917, as amended (8 U. S. C. 136 (a) and (d)), Alice de Bony de Lavergne may be admitted to the United States for permanent residence provided she is found otherwise admissible under the provisions of the immigration laws: *Provided*, That there be given a suitable and proper bond or undertaking, approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against Alice de Bony de Lavergne becoming a public charge.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to inadmissibility of immigrants suffering from a mental disability in behalf of Alice de Bony de Lavergne. The bill has been amended to embrace feeble-mindedness as well as mental deficiency and to provide for the posting of a suitable bond as a guaranty against the alien becoming a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of France. She had previously been admitted to the United States for permanent residence and resided here from June 27, 1945, to May 3, 1946, when she returned to France. Her mother is a former citizen of the United States by birth, and her grandmother is a native-born citizen residing in New Orleans, La. She has been diagnosed as being afflicted with a mental defect which resulted in all probability from a very severe birth injury. Both the mother and grandmother of the beneficiary of the bill are financially able to provide for her welfare in the United States.

A letter dated September 12, 1950, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to S. 3442, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

SEPTEMBER 12, 1950.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3442) for the relief of Alice de Bony de Lavergne.

The bill would provide that, notwithstanding the provisions of the ninth category of section 3 of the Immigration Act of 1917, as amended, Alice de Bony de Lavergne may be admitted to the United States for permanent residence provided she is found otherwise admissible.

The files of the Immigration and Naturalization Service of this Department disclose that Miss Alice de Bony de Lavergne is a native and citizen of France, having been born on August 27, 1922, in Aurouer, Allier, France. She resided in the United States as a permanent resident from June 27, 1945, until May 3, 1946, when she returned to Moulins, France. She is presently being supported by and residing with her mother, Countess de Bony de Lavergne. Apparently her mother and father are separated.

The records further reflect that the alien and her mother have made application to the American consul for immigration visas. Miss de Lavergne desires to return to the United States to reside here permanently with her grandmother, Mrs. Marrie Louise Landry de Freuneuse, of New Orleans, La. Examinations made by two outstanding authorities on mental testing, an independent psychiatrist attached to the University of Paris, and the psychiatrist consultant to the United States Public Health Service in Paris, indicated that the alien falls within a class excludable from admission into the United States under section 3 of the Immigration Act of February 5, 1917, as amended. For that reason she was unable to obtain a visa permitting her admission to the United States. The medical report stated that the patient is not psychotic, showing no emotional or mental symptoms other than a mental deficiency which is exogenous in type, not inherent, resulting in all probability from a very severe birth injury.

Mrs. de Freuneuse, the alien's grandmother, a native-born citizen of the United States, stated that she would personally guarantee the alien's support and that she is financially able to do so, having a net income of \$2,000 per month from her estate valued from \$400,000 to \$500,000. Her daughter, Countess de Bony de Lavergne, has an independent income of about \$300 a month, according to Mrs. de Freuneuse. Miss de Lavergne was examined by Dr. Emmett L. Irvin in July 1945, during her residence in New Orleans, who has stated he would classify her as feeble minded.

Miss de Bony de Lavergne has been certified by at least three physicians, not related in practice, as being mentally defective, and as such, she is mandatorily excludable from the United States under section 3 of the Immigration Act of 1917. Her case is similar to those of other aliens who are thus excludable and the record fails to present considerations justifying enactment of special legislation granting her a preference over such others.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Russell B. Long, the author of the bill, has submitted the following information in support of the bill:

UNITED STATES SENATE,
December 19, 1950.

Hon. PAT MCCARRAN,
*Chairman, Senate Judiciary Committee,
Washington, D. C.*

MY DEAR SENATOR MCCARRAN: With further reference to my letter of December 15 with reference to my bill S. 3442, I am enclosing a telegram which I have received from the grandmother of the individual to whom the bill addresses itself.

You will note from the telegram that the grandmother will either post a bond or enter into any necessary contract to guarantee that Miss de Lavergne will not become a public charge or a patient in a public institution.

I believe I should make it clear that the grandmother is a lady of very substantial financial means, having an income of some \$2,500 per month from an estate having a value of something like \$500,000. In addition, the girl's mother has an income of some \$300 a month in her own right.

I also think that it is pertinent to the committee's consideration of this bill for the members to know that Miss de Lavergne's mother was born and raised in New Orleans, that as a young woman she married a Frenchman and went to reside with him in France, and as a consequence she lost her American citizenship. This bill would permit her repatriation, since she cannot come back home to New Orleans and leave her daughter in France. Since her divorce she has no ties, family or otherwise, in France and quite naturally desires to return home.

As I stated in my letter of December 15, I am very much interested in this case because I believe it to be a very just one.

With kindest personal regards,
Sincerely yours,

RUSSELL B. LONG,
United States Senator.

RBL:dpt

NEW ORLEANS, LA., December 18, 1950.

Senator RUSSELL B. LONG,
Senate Office Building.

I am the grandmother of Alice de Bony de Lavergne. I agree that if she is permitted to enter this country that I will post any bond which may be requested and enter into any contract with the Immigration Department or any other department of the United States which may be requested contracting and agreeing that she will not become a public ward nor put in a public institution, and I certify that I am financially competent to fulfill these obligations.

Mrs. HENRY LANDRY DE FRENEUSE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 463), as amended, should be enacted.

○

